S.B.CRIMINAL MISC. BAIL APPLICATION NO.5600/2007

(Jhunjhar Ram & Anr. vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.S.Udawat, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the FIR.

In para 7 of the FIR, it is stated that it was accused No.1 Om Prakash, husband of the first informant, to whom the dowry articles have been entrusted and it was he, who assaulted the first informant and turned out her from her matrimonial home.

Learned counsel for the petitioners submit that co-accused Om Prakash had already been arrested on 30.10.2007 and has been released on bail by Judicial Magistrate, Jaitaran on 1.11.2007 and the dowry articles have already been recovered from him. He has shown me a certified copy of the order by which co-accused Om Prakash has been released on bail under section 437 Cr.P.C. The petitioners are parents-in-law and the

dowry articles were entrusted to co-accused Om Prakash and same have already been recovered from him on his arrest.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Jhunjhar Ram s/o Lala Ram and Suwati w/o Jhunjhar Ram in FIR No.281/2007, P.S. Jaitaran, Distt. Pali, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-